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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No. 4002-2643

First Inventor Hai H. Trieu

Title INTERVERTEBRAL DISC NUCLEUS IMPLANTS AND METHODS

Express Mail Label No. EL 271152035US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents

Assistant Commissioner for Patents  
ADDRESS TO: Box Patent Application  
Washington, DC 20231

1.  \*Fee Transmittal Form (e.g., PTO/SB/17)  
(submit an original and a duplicate for fee processing)

2.  Applicant claims small entity status.

3.  Specification [Total Pages 54]

4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 26]

5.  Informal  Formal [Total Pages 3]

6.  Application Data Sheet. See 37 CFR 1.76

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8.  Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

a.  Computer Readable Form (CRF)

b.  Specification Sequence Listing on:  
□ CD-ROM or CD-R (2 copies); or  
□ paper

c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))

10.  37 C.F.R. § 3.73(b) Statement (when there is an assignee)  Power of Attorney

11.  English Translation Document (if applicable)

12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)

15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)

16.  Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.

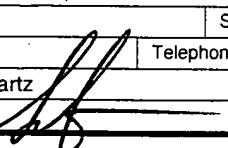
17.  Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No: 09/650,525 filed 8/30/00  
Prior application information: Examiner: Not Yet Known Group / Art Unit: 3738

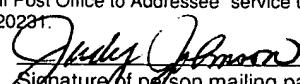
For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)			<input type="checkbox"/> Correspondence address below
Name	Jason J. Schwartz, Reg. No. 43,910 Woodard, Emhardt, Naughton, Moriarty and McNett			
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Country	USA	Telephone	(317) 634-3456	Fax (317) 637-7561
Name (Print/Type)	Jason J. Schwartz		Registration No. (Attorney/Agent)	43,910
Signature			Date	August 30, 2001

**Express Mail Label Number EL 271152035US****Date of Deposit August 30, 2001**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington DC 20231.



Signature of person mailing paper or fee

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number

August 30, 2001

Filing Date

Hai H. Trieu

First Named Inventor

Group Art Unit

Examiner Name

Total Amount of Payment (\$2,018)

Attorney Docket Number 4002-2643

## METHOD OF PAYMENT

## FEE CALCULATION (continued)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

23-3030

Deposit Account Number  
Deposit Account Name  
Woodard, Emhardt, Naughton, Moriarty & McNett

Charge any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status.  
See 37 CFR 1.27.

2.  Payment Enclosed:

Check  Credit Card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility Filing Fee	710
106	320	206	160	Design Filing Fee	
107	490	207	245	Plant Filing Fee	
108	710	208	355	Reissue Filing Fee	
114	150	214	75	Provisional Filing Fee	
				SUBTOTAL (1) (\$)	710

## 2. EXTRA CLAIM FEES

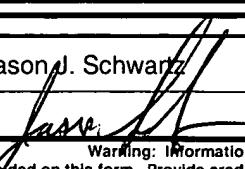
Total Claims	46	-20** =	26	Extra Claims	Fee From Below	Fee Paid
Independent Claims	13	-3** =	10	X	18	468
Multiple Dependent				X	80	800

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent
				SUBTOTAL (2) (\$)
				1268

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge – late filing fee or oath	
127	50	227	25	Surcharge – late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,240	241	620	Petition to revive – unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
				Other Fee (specify) .....	
				* Reduced by Basic Filing Fee Paid	
				SUBTOTAL (3) (\$)	40

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Jason J. Schwartz	Registration No. (Attorney/Agent)	43,910	Telephone	(317) 634-3456
Signature				Date	August 30, 2001

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